



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,234	01/31/2007	Yoshihiro Akai	SW24-P07058US	5299
33356 7590 02/02/2009 SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362				
EXAMINER				
WONG, TINA MEI SENG				
ART UNIT		PAPER NUMBER		
2874				
MAIL DATE		DELIVERY MODE		
02/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/595,234

**Applicant(s)**

AKAI ET AL

**Examiner**

TINA M. WONG

**Art Unit**

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,7,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,6,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office action is responsive to Applicant's response submitted 22 January 2009. The applicant's arguments have been carefully studied and re-evaluated by the examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. During a careful review of the prior art of record in this application, however, it has been discovered the prior art relied in the previous Office Action is still relevant and applicable. Accordingly, a new rejection is set forth below. This action is **not** made final.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,936,695 to Hida et al.**

Hida et al teaches a liquid crystal panel comprising a specified figure (271,273,371, 373) that is formed on one side of one substrate, sealing material (501) that is applied to provide a liquid crystal encapsulation opening (511,521) in the vicinity of the specified figure; a second substrate whose side is joined to the first substrate by means of the sealing material, liquid crystal material that is encapsulated between the pair of substrates (100, 300), and a closing member for closing the liquid crystal encapsulation opening (551,553). Hida et al further teaches the specified figure to consist of two lines that extends to the edge of the liquid crystal

encapsulation opening and are arranged between two points of the sealing material. But Hida et al fails to explicitly state for the sealing material applied to the first substrate to have a start and end point at predetermined positions with respect to a specified figure. However, the start and end point of the sealing material could be any arbitrary point within the gap between the first and second substrates of Hida et al. Furthermore, the term "predetermined position" does not clearly define or point to a specific position along the sealing material. Therefore, one can reasonably construe any point to be a predetermined position as long as it is determined ahead of time. Since liquid crystal panels are generally formed in an assembly format, it would be wise for one of ordinary skill to predetermine a starting and ending position in order to simplify manufacturing. Further, since Hida et al can reasonably be interpreted to include a sealing material applied to the first substrate to have a start and end point at predetermined positions with respect to a specified figure, it can then be identified in Figure 1 a space between two arbitrary points to provide a liquid crystal encapsulation opening in the vicinity.

But Hida et al fails to explicitly teach the two lines to be parallel to each other. Instead Hida et al teaches a cross configuration. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a set lines in the cross configuration (with two intersecting lines) or the parallel configuration since the function of either line does not change the end resultant outcome of determining a start and stop position.

***Allowable Subject Matter***

**Claims 1, 3, 4, 6, 10 and 11 are allowed.** The prior art of record fails to disclose or reasonably suggest forming a seal/predetermined pattern by detecting a specified figure in order to position an encapsulation opening and a start/stop point for a sealing pattern in addition to the

accompanying features of the independent claim and the intervening claims. Additionally, See Applicant's arguments received 22 January 2009, Pages 9 and 10 of 13.

***Response to Arguments***

Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, with respect to claims 1, 3, 4, 6, 10 and 11 have been fully considered and are persuasive. The rejection set forth in the Final office action mailed 24 October 2008 has been withdrawn.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TINA M. WONG whose telephone number is (571)272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Uyen-Chau Le can be reached on (571) 272-2397. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tina M Wong/  
Primary Examiner, Art Unit 2874